



North America Europe Asia

333 S. Grand Avenue, 38th Floor  
Los Angeles, CA 90071  
T +1 213 615 1700  
F +1 213 615 1750

Gayle I. Jenkins  
Partner

213.615.1863

gjenkins@winston.com

March 18, 2020

VIA ELECTRONIC CASE FILING

Honorable Kenneth M. Karas

United States District Judge

Southern District of New York

United States Courthouse

500 Pearl Street

New York, New York 10007-1312

**Re:** *Randy O’Kane v. JetBlue Airways Corporation* – Case No. 7:19-cv-09662 (KMK)

Dear Judge Karas:

Plaintiff Randy O’Kane (“Plaintiff”) and Defendant JetBlue Airways Corporation (“JetBlue” or Defendant”) (collectively, the “Parties”), by and through their respective undersigned counsel, respectfully jointly request (1) pursuant to Rule II.A of Your Honor’s Individual Practices a pre-motion conference with respect to the Parties’ proposed joint motion seeking an order that the Court stay this case pending the Parties’ continued work toward a final settlement; or, alternatively, (2) an adjournment of the case for at least 30 days for the reasons outlined below.

Following extensive negotiations and numerous mediation sessions, the Parties have agreed to a number of terms that do not yet form a binding agreement, but which are a foundation upon which to continue to work toward a binding global class action settlement agreement of this and nine other separately filed actions pending across the country against various airlines and Amtrak regarding the sale of trip insurance to consumers.<sup>1</sup> The Parties thus propose filing a joint report with this Court within 30 days of an order entering the stay, in which the Parties will update the Court on the status of the settlement negotiations and whether a continued stay is warranted during the settlement-approval process.

More specifically, following five lengthy and productive in-person mediation sessions that occurred on both weekdays and weekends on October 9, 2019, October 15, 2019, February 1, 2020, February 15, 2020, and March 12, 2020 (the last four of which were guided by neutral mediator Rodney A. Max of Upchurch Watson White and Max Mediation Group in Miami, Florida), and innumerable telephone conferences, directly between the Parties or with Mr. Max serving as an intermediary, the Parties have reached agreement on a number of terms, but thus far fall short of a binding agreement. To that end, the Parties continue to work diligently toward an agreement to resolve this and the nine other separately filed actions referenced above. See Declaration of Rodney A. Max, attached hereto as Exhibit A.

<sup>1</sup> The nine other cases are: *Dolan v. JetBlue Airways Corp.*, No. 0:18-cv-62193-RS (S.D. Fla.); *Donoff v. Delta Air Lines, Inc.*, No. 9:18-cv-81258-DMM (S.D. Fla.); *Zamber v. American Airlines, Inc.*, No. 4:20-cv-00114 (N.D. Tex.); *Flores v. United Airlines*, No. 18-cv-06571 (N.D. Ill.); *Foshee v. Delta Air Lines, Inc.*, No. 4:19-cv-00612-MW-CAS (N.D. Fla.); *Vallarta v. United Airlines*, No. 19-cv-05895 (N.D. Cal.); *Shattenkirk v. Alaska Airlines*, No. 19-cv-01656 (W.D. Wash.); *Durkee v. Alaska Airlines*, No. 19-cv-1071 (S.D. Cal.); and *Salmons v. Nat’l R.R. Passenger Corp. (Amtrak)*, No. 1:19-cv-03253 (D.D.C.).

Honorable Kenneth M. Karas

United States District Judge

Page 2

The Parties, therefore, respectfully request that the Court order that the above-captioned action be stayed to enable the Parties to continue working toward a binding settlement agreement and focus their efforts and resources on working toward a written Settlement Agreement and accompanying papers to begin the approval process in the district court. The Parties agree to submit a joint report updating the Court on the proposed Settlement within 30 days of an order staying the case, if requested.

For all of the above reasons, the Parties respectfully requests either a pre-motion conference with this Court in anticipation of a Joint Motion for Stay, or an adjournment of the case for 30 days.

Respectfully,

By: /s/ Melissa R. Emert

Melissa R. Emert  
STULL, STULL & BRODY  
6 East 45th Street, 5th Floor  
New York, NY 10017  
Tel: (954) 675-5240

Email: memert@ssbny.com

By: /s/ Gayle I. Jenkins

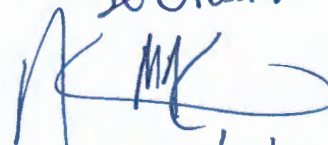
Gayle I. Jenkins (*admitted pro hac vice*)  
WINSTON & STRAWN LLP  
333 South Grand Avenue, 38th Floor  
Los Angeles, CA 90071-1543  
Tel: (213) 615-1863

Email: gjenkins@winston.com

cc: All Counsel (*via ECF*)

*Granted.*

*The case is stayed for 30 days.  
The Parties are to submit a status  
report by then.*

*So Ordered.*  
  
*3/19/20*